



# TEXAS JUVENILE JUSTICE DEPARTMENT

## Board Meeting

11209 Metric Boulevard, Building H, Ste. A

Lone Star Conference Room

Austin, TX 78758

Friday, October 25, 2019 – 9:00 a.m.

### **BOARD MEMBERS PRESENT:**

Judge Wes Ritchey, Chairman

Melissa Martin

Judge Lisa Jarrett

Jimmy Smith

Chief Scott Matthew

James Castro

Ann Lattimore

Chief Edeska Barnes

Allison Palmer

Mona Lisa Chambers

Judge Stephanie Moreno

### **BOARD MEMBERS ABSENT:**

Chief Pama Hencerling

Commissioner Vincent Morales, Jr.

### **EXECUTIVE LEADERSHIP STAFF PRESENT:**

Camille Cain, Executive Director

Eleazar Garcia, Chief Internal Auditor

Preston Streufert, Director of Stakeholder Relations

Mic Davis, Policy Advisor

Christian von Wupperfeld, General Counsel

Emily Anderson, Chief Financial Officer

Nathan Jackson, Chief of Operations

Sean Grove, Policy Advisor

Shandra Carter, Deputy Executive Director of  
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### **Other Guests Present**

Wallace Vernon, B&GC	Bobby Calacino, Van Zandt Co.	John Motley, Van Zandt Co.
Josh Bauermeister	Kevin DuBose	Barbara Kessler
Daniel Guajardo	Lisa Broussard	Christina Garcia
Luther Taliaferro	Eleazar Garcia	Kaci Singer
Ed Cockrell	Brett Merfish, TX Appleseed	Steve Roman
J.D. Robertson	Scott Friedman	John McGreevy
Karol Davidson		

### **Call to order**

Chairman Ritchey called the meeting to order at 9:00 a.m.

### **Prayer**

Douglas Brodie opened the meeting with a prayer.

### **Pledge**

The Pledge of Allegiance and Pledge to the Texas Flag were recited.

### **Discussion, consideration and possible approval regarding excused absences**

Judge Lisa Jarrett moved to approve the absence of Pama Hencerling, Vincent Morales and Allison Palmer. Chief Scott Matthew seconded. The motion passed.

Allison Palmer later arrived at 9:11 a.m.

### **Discussion, consideration, and possible approval regarding the August 9, 2019 Board meeting minutes**

Jimmy Smith moved to approve the minutes. James Castro seconded. The motion passed.

**Discussion, consideration, and possible approval regarding the August 30, 2019 Board meeting minutes**

Chief Scott Matthew moved to approve the minutes. Judge Stephanie Moreno seconded. The motion passed.

**Report from the Chairman**

Judge Ritchey thanked Judge Jarrett for chairing the board meeting on August 30, 2019 due to his absence. He thanked the board members for attending on such short notice. He also thanked the staff for putting these meeting together and making sure all the materials are available for their review prior to the meeting.

**Public Comments**

There were no public comments.

**Report from the Executive Director**

Camille Cain, Executive Director, provided an update on the progress of the Texas Model implementation. She said we are looking at a three to four-year timeline for complete implementation. She stated we are also moving toward an electronic bed check system. She announced the agency has launched its new website that's embedded with the art of the youth. We are also implementing a visitor check in system on our campuses that should help with security. Radios have been a long-term struggle for this agency. We have found money to solve the radio system problem. This will be a new system altogether.

Ms. Cain announced that out of a \$298.5 million-dollar budget last year, the agency expended 99.87%. She announced that the JCMS system is moving forward. TJJD now owns the rights to JCMS. We have already started planning for the next legislative session. She introduced Preston Streufert, the new Director of Stakeholder Relations. She announced that the agency will be opening a Phoenix Dorm for girls.

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Ms. Cain read the following statement regarding Duval County:

*I want to update the Board on recent actions stemming from an investigation into the Judge Ricardo H. Garcia Juvenile Detention Facility in Duval County.*

*TJJD has reason to believe that as many as 15 certified juvenile supervision and probation officers engaged in systematic document tampering, and they covered up those actions in an attempt to mislead agency oversight officials. Their actions had the potential to directly endanger the youth who were in their care.*

*The investigation by the TJJD Office of Inspector General came months after issues relating to facility repairs, problems with plumbing, security concerns, and life safety issues were identified by the TJJD monitoring team and communicated to the county and facility administrators.*

*Unimplemented corrective action plans, coupled with the ongoing investigation by TJJD OIG, led the agency to seek swift action to ensure the safety of the youth placed in this facility. Yesterday, a 3-member panel of the TJJD Board temporarily suspended the certification for those county employees who were implicated in these actions. I also suspended the registration for the facility.*

*Although the Duval County Juvenile Board has placed all staff implicated in this misconduct on administrative leave pending the outcome of the county's internal investigation, TJJD needed to ensure the certifications and registrations are inactive until we can work with the county to fix this situation.*

*I want to thank the probation field for their help and support while the agency was identifying the proper actions to take. Due to the quick action by the placing counties, and help from neighboring counties in the South Texas Region, all youth have been removed from this facility.*

*With me, I have Chief Forrest Mitchell and Deputy Executive Director Lou Serrano to field any questions the Board may have on this issue.*

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In response to questions asked by Chairman Ritchey, Lou Serrano, Deputy Executive Director provided a brief background in what led to these findings and what has happened since the investigation was open. Of the 18 kids there, 9 of them were returned to the community and the remainder were placed in neighboring counties.

Forrest Mitchell, Chief Inspector General, provided what details he could regarding the on-going investigation.

In response to a question by Chief Scott Matthew, Mr. Serrano said it was his understanding that the certification for suitability was coming up this January.

In response to a question by Judge Lisa Jarrett, Mr. Serrano confirmed that it was a two-member board, although it should be a three-member board and he has notified the county of that requirement and to also make progress in appointing an advisory council to assist them.

In response to a question by Chief Edeska Barnes, Mr. Serrano said there's actually two things going on, the investigation that Chief Mitchell mentioned that is more recent as well as a longer-term issue where we were working with the county collectively.

In response to a question by Judge Moreno, Mr. Serrano stated the first of the physical plant issues were noted in February of 2019.

#### **Van Zandt County presentation on Post-Adjudication Program and implementation of a trauma informed approach**

Robert (Bobby) Calacino, Director of Van Zandt County Juvenile Probation Department, and John Motley, LSOTP, provided a presentation on their post-adjudication program and implementation of trauma informed approach.

In response to a question by Anne Lattimore, Mr. Calacino said he would share the slide show with Lou Serrano who can then send it to the board members.

In response to a question by James Castro, Mr. Calacino said they are currently in the process of writing another grant to continue funding this program. They have not been able to yet put it in their budget to sustain the program.

In response to a question by Jimmy Smith, Mr. Calacino stated Van Zandt county has a population of about 50,000. We were able to provide girls programming at one time through intermediate sanctioning. There is definitely a need for girls programming.

In response to a question by Mona Lisa Chambers, Mr. Motley stated that renovations did not disrupt sleeping accommodations.

#### **Report from the Advisory Council of Juvenile Services**

Ed Cockrell, Advisory Council Chair, stated the Advisory Council last met on September 6, 2019. He discussed the items that were presented during that meeting. The next meeting is scheduled for November 8, 2019.

In response to a question by Chairman Ritchey, Mr. Cockrell stated that the advisory council voted against live-streaming the meetings for various reasons. Most of the discussion centered around general discussion that goes on in that meeting. The field is represented well and those representatives are to report back to the field. The council also worries that the members won't speak freely if it's live-streamed.

In response to a question by Mona Lisa Chambers, Ms. Cain stated that the advisory council provides minutes of their meetings but not a transcript.

Chairman Ritchey called for a 10-minute recess.

**Discussion, consideration, and possible approval to publish proposed revisions to 37 TAC §343.610, relating to Classification Plan--Segregation, in the *Texas Register* for a 30-day public comment period (Action)**

Sean Grove, Senior Counsel, presented this rule. The new language clarifies that youth are segregated according to whether they are on probation or are youth committed to TJJD. It strikes mention of the progressive sanction levels. The new language added that the standard does not apply to certain residents if determined in writing by the chief juvenile probation officer in the placing department. It also added that the chief juvenile probation officer from the placing department may rescind the authorization at any time. The amended resolution provided to you would allow TJJD to submit the rule to the Texas Register but would not allow us to adopt it until we bring it back to the board in January 2020.

Jimmy Smith moved to approve the amended resolution. Judge Lisa Jarrett seconded. The motion passed.

**Report from the inspector general**

Forrest Mitchell, Chief Inspector General, stated the board members can find the OIG statistical reports on page 41 of their board materials. He said that yesterday he briefed the Safety and Security Committee on the number, type, enforcement action, and dispositions of OIG investigations in the 4<sup>th</sup> quarter of FY 19. Most importantly, the number of sexual abuse investigations initiated by OIG – program wide, has declined substantially from the previous period last fiscal year. Additionally, OIG has made more arrests and submitted more cases for prosecution in that quarter than in FY 18. OIG also learned of more indictments and convictions stemming from OIG investigations.

Another point he brought to the board's attention is the time it takes to close investigations of State & County Abuse, Neglect, and Exploitation. The time required has increased from the previous quarter. We are closely monitoring this, but we believe we have taken the necessary steps to reduce this time.

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In the area of operations, OIG has undergone a reorganization to finalize the merger of the county and state abuse, neglect, and exploitation investigative teams. We have decentralized supervision, and created regional and district boundaries in close alignment with the regional juvenile probation districts of Texas.

We continue to work with TJJD on improving operations, and information technology. We will be replacing some legacy IT software systems, and improving security infrastructure.

In the area of training, OIG continues to work on obtaining its TCOLE training provider certification. The OIG TCOLE training advisory board will hold a meeting the first week of November, and we have a new public board member from Disability Rights Texas, Ms. Haynes

OIG has prepared course the TCOLE curriculum, learning objectives, and training materials for the state mandated and suggested training which include ethics, information technology security awareness, PREA, and sexual harassment and employment discrimination.

Also, in the area of training, he informed the board that OIG is now providing the state security officer training curriculum to its own staff, instead of relying on outside certification.

OIG Uniformed Gatehouse security staff are now operating at each of the five state secure facilities, 4 of the 5 handling 24-hour operations.

### **Report from the Trust Committee**

Jimmy Smith, Chair of Trust Committee, provided an overview of what was discussed during the committee meeting.



**Discussion, consideration, and possible approval of an archeological field school being conducted at the Priddy Cabin on Parrie Haynes Ranch (Action)**

Christina Garcia, Staff Attorney and Contracts Supervisor, presented. She stated that a Texas A&M archeological professor is proposing to conduct an archaeological field school (field school or project) at the Priddy Cabin. The field school will consist of a survey and archaeological excavation of the area immediately in and around the Priddy Cabin structure. The necessary Antiquities Permit from the Texas Historical Commission has been obtained and all work will proceed as described in the Scope of Work. The field school would be conducted from January through March 2020. The Lessee and Sublessee are aware of and endorse the Project. Judge Jarrett moved to approve the resolution. Allison Palmer seconded. The motion passed.

**Report from the Finance and Audit Committee**

Chief Scott Matthew, Chair of the Finance and Audit Committee, provided an overview of what was discussed during the committee meeting.

**Acknowledgment of gifts (Action)**

Emily Anderson, Chief Financial Officer, stated the Fringe Sport donated twenty-three tactical weight vests for Office of Inspector General use and also donated five adjustable gym benches and five super adjustable benches for youth to participate in strength exercises as part of the Texas Model. These items have an estimated value over \$500.

Chief Scott Matthew moved to acknowledge the gifts. James Castro seconded. The motion passed.

**Risk Assessment and FY 2020 Audit Plan (Action)**

Eleazar Garcia, Chief Auditor, presented the risk assessment and FY 2020 Audit Plan. Information describing the process used to develop the plan include process description for the annual audit plan development, risk assessment scores and coverage schedule, and the proposed FY 2020 audit plan.

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Chief Edeska Barnes move to approve the resolution. Chief Scott Matthew seconded. The motion passed.

**FY 2019 Internal Audit Annual Report (Action)**

Mr. Garcia presented the internal audit annual report which includes:

- i. Compliance with Texas Government Code, Section 2101.015
- ii. Internal Audit Plan for fiscal Year 2019
- iii. Consulting services and non-audit services completed
- iv. External Quality Assurance review
- v. Internal Audit Plan for Fiscal Year 2020
- vi. External Audit Services procured in Fiscal Year 2019
- vii. Reporting suspected fraud and abuse

Exhibit A is a status of recommendations from fiscal year 2019 audit plan projects.

Judge Stephanie Moreno moved to approve the annual report. Chief Scott Matthew seconded. The motion passed.

**FY 2020 Internal Audit Charter (Action)**

Mr. Garcia presented the audit charter. The only update made to the charter was an update to the reference to TJJD's standards of conducts and ethics.

Judge Lisa Jarrett moved to approve. Judge Stephanie Moreno seconded. The motion passed.

**Discussion, consideration, and possible approval regarding contract extension requiring board approval pursuant to GAP.385.1101 (Action)**

Christina Garcia, Staff Attorney and Contracts Supervisor, stated TJJD staff requests Board approval for two (2) three-month options for extension of the contract with Consolidated Telecom with a contract value that exceeds \$500,000, to allow for completion of the solicitation

for residential telephone services and transition to a new provider, as required. The not-to-exceed amount for (2) three-month options for extension is \$115,000. The total contract value (including extensions) is \$3,724,146. TJJD staff request Board consideration and approval of the proposed contract options for extension and approval of TJJD Executive Director execution of same.

Judge Lisa Jarrett moved to approve the contract extension. Chief Scott Matthew seconded. The motion passed.

**Discussion, consideration, and possible approval regarding new contract(s) requiring board approval pursuant to GAP.385.1101 (Action)**

Ms. Garcia stated TJJD staff requested Board approval for a new contract to provide non-secure specialized residential program services of TJJD female youth. The total not-to-exceed amount for the initial one-year term of the contract is \$2,310,178. The total contract value is \$2,310,178.

James Castro moved to approve the new contract. Jimmy Smith seconded. The motion passed.

**Report from the Programs Committee**

Chief Edeska Barnes, Chair of the Programs Committee, provided an overview of what was discussed in the committee meeting.

**Report from the Safety and Security Committee**

Judge Lisa Jarrett, Chair of the Committee, provided an overview of what was discussed in the committee meeting.

**Discussion, consideration, and possible approval of revisions to General Administrative Policy 05.03, relating to OIG Mission, Authority, and Responsibilities (Action)**

Forrest Mitchell, Chief Inspector General, presented the revisions to this rule. Because this policy is listed in the board governance manual, it requires board approval but does not require  
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publishing in the Texas Register. The OIG has been working on updating these for the past year. This policy was last revised in 2011. We also brought it in line with HB 39.

Chief Scott Matthew moved to approve the revisions. James Castro seconded. The motion passed.

**Discussion, consideration, and possible approval regarding the discipline of certified officers-**

**Agreed Orders (Action)**

- a. **Faustino Delao, Certification No. 30937, 19-30937-190177 (Atascosa)**
- b. **Ja'mond Richardson, Certification No. 33029, 19-33029-190008 (Dallas)**
- c. **Mark Martinez, Certification No. 29913, 19-29913-190076 (Harris)**
- d. **Kenneth Rawls, Certification No. 32651, 20-32651-190201 (Harris)**
- e. **Michael Winzer, Certification No. 31001, 19-31001-190005 (Harris)**
- f. **Bradley Ware, Certification No. 28957, 19-28957-190062 (Milam)**
- g. **Christian Perez, Certification No. 24361, 19-24361-190262 (Williamson)**

Kaci Singer, Staff Attorney, presented the agreed orders.

Item A, B, F and G - Allison Palmer moved to approve. Jimmy Smith seconded. Chief Scott Matthew abstained from item G. The motion passed.

Item C, D and E – Chief Scott Matthew moved to approve. Judge Lisa Jarrett seconded. Chief Edeska Barnes and Mona Lisa Chambers abstained. The motion passed.

**Discussion, consideration, and possible approval regarding the discipline of certified officers-**

**Default Orders (Action)**

- a. **Raymond Almendarez II, Certification No. 33079, 20-33079-190203 (Bexar)**
- b. **Jason Alvarado, Certification No. 33702, 20-33702-190203 (Bexar)**

- c. Toy Smith, Certification No. 32815, 20-32815 (Bexar)
- d. Maximo Deleon, Certification No. 30376, 19-30376-190163 (Brazos)
- e. Lorenzo Flores, Certification No. 31234, 19-31234-190226 (Brown)
- f. Deon Lewis, Certification No. 27924, 19-27924-190152 (Dallas)
- g. Jordan Brazell, Certification No. 31708, 20-31708-190225 (Harris)
- h. Jimmy Williams, Jr., Certification No. 23666, 19-23666-190135 (Harris)
- i. Angel Fitts, Certification No. 34118, 19-34118-190198 (Nueces)
- j. Daniela Narvaez, Certification No. 33419, 20-33419-190106 (Nueces)

Kaci Singer, Staff Attorney presented the default orders. Item G was withdrawn.

Item A, B, and C – Allison Palmer moved to approve. Chief Scott Matthew seconded. Judge Lisa Jarrett abstained. The motion passed.

Item D, E, F, I, and J – Allison Palmer moved to approve. James Castro seconded. The motion passed.

Item H – Judge Stephanie Moreno moved to approve. Allison Palmer seconded. Chief Edeska Barnes and Mona Lisa Chambers abstained. The motion passed.

Chairman Ritchey recessed the open session for the closed executive session.

#### **Closed Session – Executive Session**

- a. Government Code §551.071 Consultation with attorney (see footnote)
- b. Government Code §551.072 Deliberation regarding real property (John C. Wende and Parrie Haynes trusts)
- c. Government Code §551.074 Discussion regarding personnel matters

#### **Reconvene in open session**

Chairman Ritchey reconvened in open session at 11:38 a.m.

#### **Adjourn**

Chairman Ritchey adjourned the meeting at 11:38 a.m.

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